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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,808	10/11/2001	Hiroyuki Tomiyama	Q66213	7825

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SUGHRUE, MION, ZINN, MACPEAK & SEAS
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Washington, DC 20037-3202

EXAMINER

MCCLLOUD, RENATA D

ART UNIT	PAPER NUMBER
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2837

DATE MAILED: 11/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/973,808

Applicant(s)

TOMIYAMA ET AL.

Examiner

Renata McCloud

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. In response to the amendment filed 8 September 2003, paper number 8, the following has occurred: Claims 1-5 and 8 have been amended.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 5, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casser (U.S. 5,945,643) in view of Takewa et al (U.S. 5,512,715).

Claim 1: Casser teaches a damper for a speaker comprising an auxiliary damper impregnated with thermosetting resin (e.g. Fig. 3:32; Col. 9:61-66), a film laminated on the auxiliary damper (e.g. Fig. 3:40), a primary damper formed on the auxiliary damper or the laminate film (e.g. Fig. 4:20). Casser does not teach the laminate film is between the auxiliary damper and the primary damper. Takewa et al teach a damper comprising an auxiliary damper (Fig. 1:1), a film laminated on the auxiliary damper (Fig. 1: 2), a primary damper (Fig. 1:3) formed on the film (Fig. 1: 2), wherein the film (Fig. 1:2) is between the auxiliary damper (Fig. 1:1) and the primary damper (Fig. 1: 3). It would have been obvious to one having ordinary skill in the art at the time that the invention

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was made to modify the apparatus taught be Casser to include the teachings of Takewa et al. The advantage of this would be improved low frequency sound absorption.

Claim 2: Casser teaches a damper for a speaker comprising an auxiliary damper impregnated with a thermosetting resin (e.g. Fig. 3:32; Col. 9:61-66) and coated with a coating agent (e.g. Fig. 3:40), a primary damper formed on the auxiliary damper (e.g. Fig. 4:20). Casser does not teach the coating is between the auxiliary damper and the primary damper. Takewa et al teach a damper comprising an auxiliary damper (Fig. 1:1), a coating on the auxiliary damper (Fig. 1: 2), a primary damper (Fig. 1:3) formed on coating (Fig. 1: 2), wherein the coating (Fig. 1:2) is between the auxiliary damper (Fig. 1:1) and the primary damper (Fig. 1: 3). It would have been obvious to one having ordinary skill in the art at the time that the invention was made to modify the apparatus taught be Casser to include the teachings of Takewa et al. The advantage of this would be improved low frequency sound absorption.

Claim 5: Casser teaches a method of producing a damper for a speaker comprising the steps of laminating a film on an auxiliary damper that has been impregnated with a thermosetting resin and bonding a primary damper to the auxiliary damper (e.g. Col. 9:52-60). Casser does not teach the laminate film is between the auxiliary damper and the primary damper. Takewa et al teach a damper comprising an auxiliary damper (Fig. 1:1), a film laminated on the auxiliary damper (Fig. 1: 2), a primary damper (Fig. 1:3) formed on the film (Fig. 1: 2), wherein the film (Fig. 1:2) is between the auxiliary damper (Fig. 1:1) and the primary damper (Fig. 1: 3). It would have been obvious to one having ordinary skill in the art at the time that the invention

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was made to modify the apparatus taught be Casser to include the teachings of Takewa et al. The advantage of this would be improved low frequency sound absorption.

Claim 6: Casser and Takewa et al teach the limitations of claim 5. Referring to claim 6, Casser teaches the step of cutting the auxiliary damper into a predetermined shape after laminating the film (e.g. Col. 7:35-44).

Claim 7: Casser and Takewa et al teach the limitations of claim 5. Referring to claim 7, Casser teaches the primary damper is bonded to the auxiliary damper by varying a thickness of the laminated film (e.g. Column 10:34-40).

Claim 8: Casser teaches a method of producing a damper for a speaker comprising the steps of applying a coating agent on the auxiliary damper that has been impregnated with a thermosetting resin and bonding a primary damper to the auxiliary damper coated with the coating agent (e.g. Col. 9:52-60). Casser does not teach the coating is between the auxiliary damper and the primary damper. Takewa et al teach a damper comprising an auxiliary damper (Fig. 1:1), a coating on the auxiliary damper (Fig. 1: 2), a primary damper (Fig. 1:3) formed on coating (Fig. 1: 2), wherein the coating (Fig. 1:2) is between the auxiliary damper (Fig. 1:1) and the primary damper (Fig. 1: 3). It would have been obvious to one having ordinary skill in the art at the time that the invention was made to modify the apparatus taught be Casser to include the teachings of Takewa et al. The advantage of this would be improved low frequency sound absorption.

Claim 9: Casser and Takewa et al teach the limitations of claim 5. Referring to claim 6, Casser teaches the primary damper is bonded to the auxiliary damper by

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varying a thickness of the coating (e.g. Col. 3:8-10 teaches adding additional layers of coating).

4. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casser (U.S. Patent 5,945,643) as applied to claim 1 above, in view of Sato et al (U.S. Patent 4,734,323).

Claims 3: Casser teaches a damper for a speaker comprising an auxiliary damper impregnated with thermosetting resin (e.g. Fig. 3:32; Col. 9:61-66), a film laminated on the auxiliary damper (e.g. Fig. 3:40), a primary damper formed on the auxiliary damper or the laminate film (e.g. Fig. 4:20). Casser does not teach a damper for a speaker wherein the auxiliary damper is composed of a plurality of sheets. Sato et al teach a damper for a speaker wherein the auxiliary damper (Fig. 5: 17) is composed of a plurality of sheets (e.g. Fig. 5: 15, 16).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the damper taught by Casser to make the auxiliary damper composed of a plurality of sheets as taught by Sato et al. The advantage of this would be an improved soundproofing barrier.

Claim 4: Casser teaches a damper for a speaker comprising an auxiliary damper impregnated with a thermosetting resin (e.g. Fig. 3:32; Col. 9:61-66) and coated with a coating agent (e.g. Fig. 3:40), a primary damper formed on the auxiliary damper (e.g. Fig. 4:20). Casser does not teach a damper for a speaker wherein the auxiliary damper

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is composed of a plurality of sheets. Sato et al teach a damper for a speaker wherein the auxiliary damper (Fig. 5:17) is composed of a plurality of sheets (e.g. Fig. 5: 15, 16).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the damper taught by Casser to make the auxiliary damper composed of a plurality of sheets as taught by Sato et al. The advantage of this would be an improved soundproofing barrier.

Response to Arguments

5. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Renata McCloud whose telephone number is (703) 308-1763. The examiner can normally be reached on Mon.- Fri. from 8 am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi can be reached on (703) 308-3370. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9318.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Renata McCloud
Examiner
Art Unit 2837

RDM


ROBERT NAPPI
SUPERVISORY PATENT EXAMINER